

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew V. Smith (Reg. No. 43,132) on 3/13/09.

The application has been amended as follows:

#### **Claim 1:**

In line 3, replace -- "code embedded" -- with -- "digitally-embedded programming instruction" --.

In line 33, replace -- "the first faceprint" -- with -- "a first faceprint" --.

#### **Claim 27:**

In line 34, replace -- "the first faceprint" -- with -- "a first faceprint" --.

#### **Claim 44:**

In line 2, after -- "comprising" -- and before -- ":" --, insert -- ", using a processor to perform the steps of" --.

In line 25, replace -- "the first faceprint" -- with -- "a first faceprint" --.

**DETAILED ACTION**

1. This action is responsive to papers filed on 1/27/09.

***Response to Amendment***

2. In response to applicant's amendment received on 1/27/09, all requested changes to the specification and claims have been entered. Claims 60-62 have been added.

***Terminal Disclaimer***

3. terminal disclaimers filed on 1/27/09 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of application numbers 10/764274, 10/764335, 10/764339 and 10/763801 has been reviewed and is accepted. The terminal disclaimers have been recorded.

***Allowable Subject Matter***

4. Claims 1-62 are allowed.

The following is an examiner's statement of reasons for allowance:

5. As to claim 1, none of the prior art teach or fairly suggests the limitation "a further confirmation to determine whether the new faceprint corresponds to a known identity when comparisons of the face classifier parameter values of a first faceprint with multiple archived

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faceprints corresponding to a same known identity result in at least one determination of an identity match and at least one determination that the identities do not match", in combination with the other limitations of the claim. The prior art of Kee, already on record, discloses face detection, normalization, face recognition, a workflow module and a database module, but does not teach or fairly suggest further confirmation to determine whether the new faceprint corresponds to a known identity when comparisons of the face classifier parameter values of a first faceprint with multiple archived faceprints corresponding to a same known identity result in at least one determination of an identity match and at least one determination that the identities do not match, as disclosed in the limitations of claim 1.

Claims 27 and 44 recite similar limitations to those of claim 1 and are allowable for similar reasons as indicated above for claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON W. CARTER whose telephone number is (571)272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron W Carter/  
Primary Examiner, Art Unit 2624